

Debtor **NOEL K CHIVERS**

United States Bankruptcy Court for the

**MIDDLE DISTRICT OF TENNESSEE**

[Bankruptcy district]

☐ Check if this is an amended plan

Case number: \_\_\_\_\_

Official Form 113

Chapter 13 Plan

**Part 1:** Notices

**To Debtors:** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors and statement regarding your income status, you must check each box that applies.

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance to you. Boxes must be checked by debtor(s) if applicable.

- ☐ The plan seeks to limit the amount of a secured claim, as set out in Part 3, Section 3.2, which may result in a partial payment or no payment at all to the secured creditor.
- ☐ The plan requests the avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest as set out in Part 3, Section 3.4.
- ☒ The plan sets out nonstandard provisions in Part 9.

**Income status of debtor(s), as stated on Official Form 122-C1**

*Check one.*

- ☒ The current monthly income of the debtor(s) is less than the applicable median income specified in 11 U.S.C. § 1325(b)(4)(A).
- ☐ The current monthly income of the debtor(s) is not less than the applicable median income specified in 11 U.S.C. § 1325(b)(4)(A).

**Part 2: Plan Payments and Length of Plan**

**2.1 Debtor(s) will make regular payments to the trustee as follows:**

**\$2,525.00 Monthly for 60 months**

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in Parts 3 through 6 of this plan.

**2.2 Regular payments to the trustee will be made from future earnings in the following manner:**

*Check all that apply.*

- ☒ Debtor(s) will make payments pursuant to a payroll deduction order.  
PRD TO NISSAN NORTH AMERICA, P.O. BOX 685001, FRANKLIN, TN 37068-5001
- ☐ Debtor(s) will make payments directly to the trustee.
- ☐ Other (specify method of payment): \_\_\_\_\_.

**2.3 Income tax refunds.**

*Check one.*

- ☒ Debtor(s) will retain any income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.

Debtor

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Debtor(s) will treat income refunds as follows:

**2.4 Additional payments.***Check one.*☒**None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.**2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$151,500.00.****Part 3: Treatment of Secured Claims****3.1 Maintenance of payments and cure of default, if any.***Check one.*☒

The debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract. These payments will be disbursed either by the trustee or directly by the debtor, as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated. Unless otherwise ordered by the court, the amounts listed on a proof of claim or modification of a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the debtor.

Name of Creditor	Collateral	Current installment payment (including escrow)	Amount of arrearage, if any	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage	Estimated total payments by trustee
<b>Rushmore Loan Mgmt Ser</b>	<b>Location: 7512 FAIRFIELD CT., Fairview TN 37062</b>	<b>\$1,182.81</b>	<b>\$67,000.00</b>	<b>0.00%<sup>e</sup></b>	<b>N/A</b>	<b>\$137,968.60</b>

Disbursed by:

☒ x Trustee☐ x Debtor(s)

Insert additional claims as needed.

**3.2 Request for valuation of security and claim modification. *Check one.***☒**None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.**3.3 Secured claims excluded from 11 U.S.C. § 506.***Check one.*☒**None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.**3.4 Lien avoidance***Check one.*☒**None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.**3.5 Surrender of collateral.***Check one*☒**None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.**Part 4: Treatment of Fees and Priority Claims****4.1 General**

Trustee's fees and all allowed priority claims other than those treated in § 4.6 will be paid in full without interest.

**4.2 Trustee's fees**Trustee's fees are estimated to be **5.26%** of plan payments; and during the plan term, they are estimated to total **\$7,969.20**.

**4.3 Attorney's fees**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be **\$3,500.00**.

**4.4 Priority claims other than attorney's fees and those treated in § 4.5.**

Check one.

☒

**None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

**4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.**

Check one.

☒

**None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

**Part 5: Treatment of Nonpriority Unsecured Claims****5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. Check all that apply.

☐

The sum of \$

☒

**100** % of the total amount of these claims.

☐

The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ **33,167.40** .  
Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

**5.2 Interest on allowed nonpriority unsecured claims not separately classified. Check one.**☒

**None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

**5.3 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.**☒

**None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

**5.4 Other separately classified nonpriority unsecured claims. Check one.**☒

**None.** If "None" is checked, the rest of § 5.4 need not be completed or reproduced.

**Part 6: Executory Contracts and Unexpired Leases****6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.**☒

**None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

**Part 7: Order of Distribution of Trustee Payments****7.1 The trustee will make the monthly payments required in Parts 3 through 6 in the following order, with payments other than those listed to be made in the order determined by the trustee:**

1. FILING FEE
2. NOTICE FEE
3. ATTORNEY FEES AT \$1000 PER MONTH
4. MONTHLY PAYMENTS ON SECURED CLAIMS
5. PAYMENTS ON ARREARAGES
6. GENERAL UNSECURED CLAIMS
7. CLAIMS FILED PURSUANT TO 11 USC 1305.

**Part 8: Vesting of Property of the Estate****8.1 Property of the estate will vest in the debtor(s) upon**

Check the applicable box:

- ☐ plan confirmation.  
☒ entry of discharge.  
☐ other: \_\_\_\_\_

**Part 9: Nonstandard Plan Provisions**

☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

- (a) Confirmation of this Plan imposes on any claim holder treated under paragraph 9 and secured by the debtor's residence, the obligation to:
- i. Apply payments from the trustee on account of pre-confirmation arrearages only to those arrearages. For purposes of this plan, the "preconfirmation arrearages" include all sums included in the allowed proof of claim plus any postpetition preconfirmation payments or charges due under the underlying mortgage obligation not specified in the allowed proof of claim.
  - ii. Treat the mortgage obligation as current at confirmation such that future payments, if made pursuant to the plan, shall not be subject to late fees, penalties or other charges.
  - iii. Not less than 60 days prior to the effective date of any change in monthly mortgage payments, notify the trustee, the debtor(s) and the attorney for the debtor(s) in writing of: (1) any change or adjustment in interest rate and the effective date of that change or adjustment; and (2) any change in property taxes and/or property insurance premiums that would increase or reduce the escrow portion, if any, of the monthly mortgage payments and the effective date of that change.
  - iv. Notify the trustee, the debtor(s) and the attorney for the debtor(s), in writing, of any protective advances or other charges incurred by the claim holder, pursuant to the mortgage agreement, within 60 days of incurring such protective advance or other charge.
- (b)
- i. Monthly ongoing mortgage payments shall be paid by the trustee commencing with the later of the month of confirmation or the month in which a proof of claim itemizing the arrearages is filed by the claim holder.
  - ii. If the trustee has maintained payments to the mortgage creditor in accordance with paragraph 9) of this order, then no later than 60 days prior to the anticipated last payment under the plan, the trustee shall file a motion and notice consistent with LBR 9013-1 requesting the court find that the trustee has complied with the plan to maintain mortgage payments and to cure preconfirmation arrearages. If the claim holder asserts that the mortgage obligation is not contractually current at the time of the trustee's motion, then the claim holder shall, within 30 days of receipt of the motion, file a Statement of Outstanding Obligations, itemizing all outstanding obligations it contends have not been satisfied as of the date of the Statement, with service upon the trustee, the debtor(s) and the attorney for the debtor(s). Filing and service of a Statement shall be treated as a response for purposes of LBR 9013-1 and a hearing will be held consistent with the trustee's notice. No liability shall result from any nonwillful failure of the trustee to file the application authorized herein.
- (c) If the claim holder fails to timely file and serve a Statement of Outstanding Obligations, the trustee shall submit an order declaring the mortgage current and all arrearages cured as of the date of the trustee's motion; and, upon discharge, the claim holder shall treat the mortgage as fully reinstated according to its original terms and fully current as of the date of the trustee's notice.
- (d) If the claim holder timely files and serves a Statement of Outstanding Obligations, the debtor may propose a modified plan to provide for payment of additional amounts the debtor acknowledges or the court determines are due. To the extent amounts set forth on a timely filed Statement of Outstanding Obligations are not determined by the court to be invalid or are not paid by the debtor through the plan or a modified plan, the right of the holder to collect those amounts is unaffected.

Debtor NOEL K CHIVERS

Case number \_\_\_\_\_

Part Signatures:

X /s/ GREGORY R. ATWOOD  
GREGORY R. ATWOOD 24296  
Signature of Attorney for Debtor(s)

Date August 3, 2015

X /s/ NOEL K CHIVERS  
NOEL K CHIVERS

Date August 3, 2015

X \_\_\_\_\_

Date \_\_\_\_\_

Signature(s) of Debtor(s) (required if not represented by an attorney; otherwise optional)

**Exhibit: Total Amount of Estimated Trustee Payments**

The trustee will make the following estimated payments on allowed claims in the order set forth in Section 7.1:

a. Maintenance and cure payments on secured claims (Part 3, Section 3.1 total):	<u>\$137,968.60</u>
b. Modified secured claims (Part 3, Section 3.2 total):	<u>\$0.00</u>
c. Secured claims excluded from 11 U.S.C. § 506 (Part 3, Section 3.3 total):	<u>\$0.00</u>
d. Judicial liens or security interests partially avoided (Part 3, Section 3.4 total):	<u>\$0.00</u>
e. Fees and priority claims (Part 4 total):	<u>\$11,469.20</u>
f. Nonpriority unsecured claims (Part 5, Section 5.1 total):	<u>\$1,485.00</u>
g. Interest on allowed unsecured claims (Part 5, Section 5.2 total)	<u>\$0.00</u>
h. Maintenance and cure payments on unsecured claims (Part 5, Section 5.3 total)	<u>\$0.00</u>
i. Separately classified unsecured claims (Part 5, Section 5.4 total)	<u>\$0.00</u>
j. Trustee payments on executory contracts and unexpired leases (Part 6, Section 6.1 total) +	<u>\$0.00</u>
Total of lines a through j.....	<div style="border: 1px solid black; padding: 2px;"><b>\$150,922.80</b></div>